

### REMARKS

Claims 1 to 18 and 20 to 27 were pending in the above-identified application when last examined. Applicant has amended claims 9, 17, 18, 20, 25, and 27, canceled claims 1 to 8, 19, 21, 23, and 26, and added claims 28 to 35. Claims 9 to 18, 20, 22, 24, 25, and 27 to 35 remain pending.

#### Examiner Interview

Applicant thanks the Examiner for the December 14, 2005 telephone interview. During the interview, Applicant discussed the patentability of claims 9, 17, and new claim 28 with the Examiner in view of the prior art.

#### § 112 Rejections

The Examiner rejected claims 9 to 16 and 23 to 25 under 35 U.S.C. § 112 because the previously added limitation to claim 9 is unclear in the sequence of the claimed method. Applicant has canceled claim 23, thereby rendering its rejection moot. Applicant has amended claim 9 to clarify that the playing team loses its turn and performs a predetermined religious action when its token lands on a religious-action space in the game path. Accordingly, Applicant requests the Examiner to withdraw the § 112 rejections of claims 9 to 16 and 24 to 25.

#### Allowable Subject Matter

The Examiner indicated that claim 9 would be allowable if amended to overcome the § 112 rejection. Applicant has amended claim 9 to overcome the § 112 rejection. Accordingly, claim 9 is in condition for allowance.

Claim 10 to 16 and 24 to 25 depend from claim 9 and therefore are also in condition for allowance.

#### § 102 Rejections

The Examiner again rejected claims 17, 18 and 25 to 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,607,160 ("Stevens et al."). Addressing claim 17, the Examiner stated that "Stevens teaches ... a religious-action mechanism (4:10-30)" and "spaces divided into religious sets (trinity)." 1/25/05 Final Office Action, p. 2. Applicant has amended claim 17, which now recites:

17. A religion-based game comprising:

a game board having a top surface, the top surface having a game path comprising at least a first section and a second section, wherein:

the first section comprises a first plurality of spaces associated with a first religion, and at least one of the first plurality of spaces comprises a first religious-action means for causing a playing team to lose its turn and to perform a first predetermined religious action associated with the first religion when a game token of the playing team advances to the first religious-action means;

the second section comprises a second plurality of spaces associated with a second religion, and at least one of the second plurality of spaces comprises a second religious-action means for causing the playing team to lose its turn and to perform a second predetermined religious action associated with the second religion when the game token of the playing team advances to the second religious-action means;

a plurality of cards, the cards having questions based on at least the first religion and the second religion;

a plurality of game tokens; and

a die.

Amended claim 17 (emphasis added).

The Examiner previously cited col. 4, lines 10 to 30 of Stevens et al. for disclosing a "religion-action space." Applicant has changed "religion-action space" to "religious-action means" to place the claim element in means-plus-function language. Accordingly, Applicant addresses "religious-action means" in view of the cited lines against "religion-action space." The cited lines state:

Referring to FIGS. 1 through 3, the gameboard 1 is ready for play in the following manner. Each team, comprising of two or more players, chooses a colored game piece 21 to represent their team and its position on the game board and places that piece on the "D" (Draw) space marked Alpha/Omega 5. Teams roll the die 22 to select who begins first. The team with the highest roll begins first.

#### MOVEMENT ALONG THE PATH

Movement around the board is counterclockwise, first circling "Father" 25, then "Son" 26, then "Holy Spirit" 27. Teams advance around the board by correctly answering a Question 15, or identifying a Draw 18 or Act 19 that their teammate has selected from the playing cards 12. A team's turn continues until

they are unsuccessful at answering a category or until they have successfully answered three consecutive categories.

Stevens et al., col. 3, lines 10 to 30 (emphasis added). The cited lines disclose, inter alia, when a team lands on an Act space on the board, the team must correctly identify a word on a playing card that is being acted out a teammate to advance around the board. Stevens et al. further describe the Act space as follows:

#### ACT

If a team starts their turn on an "A" (Act) space 8, a member of the playing team selects a playing card 12, rolls the die 22, and silently reads the three corresponding act words 19. The playing time begins when a member from an opposing team says, "Go", and starts the timer 20. The individual is then allowed to act out each word using any gestures, or available objects. The playing team, less the reader, has the allotted time to continue guessing the act words until each is identified. The actor may perform the words in any order. Upon successfully guessing one act word 19, the playing team advances one space and selects the first selection on a new playing card 12 in the new category of play. Upon successfully guessing two act words 19, the playing team advances two spaces and selects the second selection on a new playing card 12 in the new category of play. If the playing team identifies all three act words 19, they continue their turn by rolling the die 22, advancing the corresponding number of spaces, and selecting the same corresponding numbered selection 13 on a new playing card 12. No sounds or words may be used. There are no challenges on act words.

Stevens et al., col. 4, lines 7 to 30 (emphasis added). As the emphasized lines show, the Act space does not require the player to perform a predetermined religious action associated with a religion as recited in amended claim 17. Instead, the player acts out a predetermined word on the playing card "using any gestures, or available objects." Stevens et al., col. 4, lines 15 and 16.

Furthermore, Stevens et al. does not disclose "a game path comprising at least a first section and a second section, wherein the first section comprises a first plurality of spaces associated with a first religion ...; the second section comprises a second plurality of spaces associated with a second religion." Amended claim 17. Instead, Stevens et al. discloses a game path comprising sections, if any, having spaces associated with a single religion. Accordingly, claim 17 is patentable over Stevens et al.

Applicant has canceled claim 26, thereby rendering its rejection moot.

Claims 18, 25, and 27 depend from claim 17 and are patentable over Stevens et al. for at least the same reasons as claim 17.

#### § 103 Rejections

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Stevens et al. in view of Ex. Parte Breslow. Claim 20 depends from claim 17 and is patentable over the cited references for at least the same reasons as claim 17.

The Examiner rejected claims 1 to 8 and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,120,066 ("Cohen") in view of Ex. Parte Breslow. Applicant has canceled claims 1 to 8 and 21, thereby rendering their rejections moot.

#### New Claims

Applicant has added new method claims 28 to 35. Claim 28 recites:

28. A method for playing a religion-based game, comprising:

a playing team moving a game token along a game path comprising at least a first section and a second section;

when the game token is on any of a first plurality of spaces in the first section of the game path:

the playing team answering one of a first plurality of questions based on a first religion;

the playing team advancing the game token along the game path when the playing team correctly answers one of the first plurality of questions based on the first religion;

when the game token is on any of a second plurality of spaces in the second section of the game path:

the playing team answering one of a second plurality of questions based on a second religion;

the playing team advancing the game token along the game path when the playing team correctly answers one of the second plurality of questions based on the second religion.


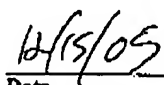
Claim 28 (emphasis added).

The Examiner may wish to assert that one of ordinary skill in art (i.e., board game publishers) would modify a game, such as the one in Stevens et al., to include questions from multiple religions to make the claimed invention. However, the board game publishers do not have any motivation to make the claimed invention since the game would not attract many buyers. This is because people are general single faith based and would not want to play a game that teaches about other religions with different and even conflicting beliefs. For example, some religions are monotheistic (the belief that there is only one God) while others are polytheistic (the belief that there are multiple Gods). Thus, the board game publishers do not have any motivation to make the claimed invention.

Claims 29 to 35 depend from claim 28 and are patentable over the cited references for at least the same reasons as claim 28.

#### Conclusion

Claims 1 to 18 and 20 to 27 were pending in the above-identified application when last examined. Applicant has amended claims 9, 17, 18, 20, 25, and 27, canceled claims 1 to 8, 19, 21, 23, and 26, and added claims 28 to 35. Claims 9 to 18, 20, 22, 24, 25, and 28 to 35 are pending. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim rejections and allow claims 9 to 18, 20, 22, 24, 25, and 27 to 35. Should the Examiner have any questions, please call the undersigned at (408) 382-0480x206.

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Respectfully submitted,



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